

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION**

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|----------------------------------|---|-------------------------|
| ANTHONY T. LEE, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff-Intervenor |) | |
| and Amicus Curiae, |) | CIVIL ACTION NO. |
| |) | 3 : 70cv846-T |
| NATIONAL EDUCATION |) | |
| ASSOCIATION, INC., |) | |
| |) | |
| Plaintiff-Intervenor, |) | |
| |) | |
| v. |) | |
| |) | |
| MACON COUNTY BOARD OF |) | |
| EDUCATION, et al., |) | |
| |) | |
| Defendants. |) | |

AFFIDAVIT OF WILLIE C. THOMAS
SUPERINTENDENT, MACON COUNTY SCHOOL DISTRICT

I, **Willie C. Thomas**, after being duly sworn and under oath, state the following:

1. That I have been employed as Superintendent of the Macon County School District since June 7, 2002.
2. That Section 16-8-13, Code of Alabama authorizes county boards of education to make decisions on the consolidation of schools, whenever in its judgment, it is practicable, and to arrange, if necessary, for the

transportation of pupils to and from such consolidated schools subject to the provisions of this title. **(See attached Exhibit "A".)**

3. That the demographics of Macon County, Alabama as confirmed by the 2000 U.S. Census, has suffered a decrease in population and a substantial decrease in school age children attending public school in Macon County, especially since a significant number of our children attend public school, within and outside of Macon County. **(See attached Exhibit "B".)**
4. The 2000 U.S. Census reflects that Macon County has the second highest percentage of black population of the nation's counties, i.e. 84.6%. **(See attached Exhibit "B".)**
5. Due to the Macon County School District's limited financial resources, the State Department of Education determined that the Macon County Board was in an unsound fiscal condition and its finances came under the direct control of the State Superintendent of Education from July 18, 1996 to December 13, 2001.
6. Following the Board's release from financial intervention by the State Department of Education, the Board is conscious of making reasonable, as well as fiscally sound decisions in the operation of the eight schools in its school district.
7. **Attached hereto as Exhibit "C",** are the proposed zones for the elementary schools in Macon County for the 2005-2006 school year.


8. That the school closings, construction of a new elementary school and the reconfiguration of existing schools are necessary to ensure high student achievement among all our students; to promote partnership; to provide a safe and secure learning environment for all our students; to maintain a strong professional workforce; and to effectively use the limited school district resources.
9. The discussion and consequent decision to close South Macon have been an ongoing concern and a committee was appointed to review and make recommendations about the future of Washington Public and South Macon Schools. The committee recommended both of these schools to be closed.
10. The Board has convened several meetings at the South Macon School to educate the citizens about the problems confronting the school district by keeping South Macon School open.
11. Another problem with the continued operation of South Macon School is that a waste water treatment facility, which services the school, was built to service 600 students, and the low student population and reduced use of the facility, causes it to discharge pollutants into Calebee Creek. **(See attached Consent Order with Alabama Department of Environmental Management, attached as Exhibit "D".** Said Consent Order is still in effect.
12. If the Board was required to continue the operation of the waste sewage treatment plant, it would result in approximately \$500,000.00 in

additional expenses, plus the regular expenses for maintenance and operations. (See attached Exhibit "E".)

13. South Macon School's total student population as of May 25, 2005, was 146 students, 100% of whom are black.
14. Washington Public School's total student population as of May 25, 2005 was 374 students, 100% of whom were black.
15. The tenured faculty and non-probationary staff of the schools being closed or reconfigured are being reassigned to other schools, including the new George Washington Carver Elementary School.
16. The State Department of Education has been supportive of the proposed closings as requested herein, especially the closing of South Macon. (See attached Exhibit "F".)
17. That the children who attend South Macon School will not experience any undue hardship as it pertains to transportation and the transportation data is found at Exhibit "G".
18. Exhibit "H" consists of pictures of South Macon School, as it stands today. Exhibit "I" is an old well on the school property and Exhibit "J" reflects pictures of the sewage treatment plant at South Macon School.
19. Exhibit "K" consists of pictures of Washington Public School.
20. Exhibit "L" consists of pictures of the wing at Tuskegee Public which is being renovated.

21. **Exhibit "M"** is a picture of the new George Washington Elementary School, which is under construction, scheduled to open for the 2005-2006 school year.
22. **Exhibit "N"** is a copy of a July 21, 2005 document, given to the public at a work session of the Board, prior to the Board's regular July 21, 2005 Board meeting, again explaining the reasons for deciding to close South Macon School.
23. The action of the restructuring of the certain Macon County elementary schools was done by the Board on May 19, 2005, and such action is the following: the closing of South Macon School; the assignment of all students in grades 1-3, with the exception of D.C. Wolfe School; and Notasulga School, to the new George Washington Carver Elementary School; and the restructuring of Tuskegee Public from grades 1-5 to grades 4-5 for all students except those assigned to D.C. Wolfe and Notasulga. The kindergarten and pre-k students from South Macon were assigned to Lewis Adams Early Childhood Center and the South Macon students in grade 6, were assigned to Tuskegee Institute Middle School during this May 19, 2005 board meeting.
24. Nothing in the Board's proposed closings, opening of new school or grade reconfiguration and student assignments violate the spirit or the

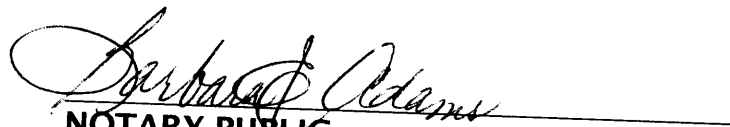
intent of Lee v. Macon, to move the Macon County School District to unitary status.


WILLIE C. THOMAS
Superintendent of Education

STATE OF ALABAMA)
)
COUNTY OF MACON)

I, Barbara E. Adams, in and for said County in said State, hereby certify that **WILLIE C. THOMAS**, whose name as **Superintendent** of the **Macon County Board of Education**, is signed to the foregoing **Affidavit**, and who is known to me, acknowledged before me on this day that, being informed of the contents of this **Affidavit**, he, as such officer and with full authority, executed the same voluntarily for and as act of the Macon County Board of Education.

Given under my hand and official seal this 1st day of August, 2005.


NOTARY PUBLIC

MY COMMISSION EXPIRES: 6/08/09